IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

CRP.No. 2690 of 2002-F

RCA.55/1997 of I ADDL. RENT CONTROL APPELLATE AUTHORITY (DISTRICT COURT), TRIVANDRUM
RCP.1/1996 of THE RENT CONTROL COURT,(MUNSIFF COURT),VARKALA
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REVN. PETITIONER: APPELLANT/COUNTER PETITIONER:

SOMAN, PRIYA BAKERY,
OPPOSITE RAILWAY STATION, VARKALA.

BY ADV. SRI.M.BALAGOVINDAN
SRI.P.M.JOSEPH

RESPONDENTS: RESPONDENT/PETITIONER:

VIVEKANANDAN,
PRABHAVATHI MANDIRAM, MUNDAYIL, VARKALA.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P.NO. 6774/2002 IN CRP.NO. 2690/2002

DISMISSED.

16-1-2007 **SD/-K.A.ABDUL GAFOOR,JUDGE**

SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.A.ABDUL GAFOOR &

K.R. UDAYABHANU, JJ.

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C.R.P.NO. 2690 OF 2002

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DATED THIS THE 16TH DAY OF JANUARY 2007

ORDER

Udayabhanu,J.

The revision petitioner/tenant has sought for setting aside the concurrent findings of the courts below allowing the prayer of the landlord/respondent under Section 11(3) of the Kerala Buildings (Lease & Rent Control)Act,1965[Act 2 of 1965){for short 'the Act'). The landlord has sought for eviction on the ground that the premises are required for his son wanted to start a provision store. The premises is outstanding with the revision petitioner/tenant since 1985 with the prevailing rent of Rs.350/-per month. The revision petitioner is running a bakery in the premises. The courts below have found that the need set up by the respondent/landlord is bona fide. There was no serious contention on the part of the revision petitioner before the courts below. The Rent Control Court as well as the Appellate Authority have also found that the revision petitioner/tenant is not entitled to the protection of the second proviso to Section 11 (3) of the Act. We find that the above finding is also based on proper

grounds and there is no reason at all to disturb the findings of the courts below.

2. Considering the plea of the counsel for the revision petitioner that the tenant wanted at least one years time to vacate the premises and taking into consideration of the objection by the counsel for the landlord, we find that it would suffice to grant a period of four months from today onwards to vacate the premises.

In the result, the civil revision petition is disposed of with a direction that the revision petitioner/tenant shall vacate the premises within four months from today on condition that he remits the entire arrears of rent due, if any, and continue to remit the rent due in future and file an affidavit before the Execution Court undertaking that he shall vacate the premises on or before 16-5-2007.

Sd/-

K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks.

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ
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C.R.P.NO.2690/2002-F

ORDER

16-1-2007
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